

**Before the
Federal Communication Commission
Washington, D. C. 20554**

In the matter of

Amendment of Part 97 of the Commission's)	
Amateur Service Rules to Eliminate)	RM-10787
Morse Code Testing)	

To: The Commission

Comments of Martin Fouts

I hold the amateur extra class license AE6IP. I am an ARRL certified Volunteer Examiner; ARRL Certified Instructor and ARRL Certified Mentor. I have completed the ARRL Amateur Radio Emergency Communication Courses (ARECC) and am active in ARES/RACES.

I agree with all of points made in the NCVEC petition for rulemaking.

I wish to remind the Commission, as others have also, that the Commission, in a previous Report and Order, in the matter of WT Docket 98-143, had found "that such a license qualification rule [Morse code] is not in the furtherance of the amateur service" and that the Commission does "not believe that it continues to serve any regulatory purpose."

I agree with the reasoning put forward in the NCVEC Petition that the Commission is allowed by the Administrative Procedures Act and its own Rules to issue an amended rule in this instance without public notice or public input.

I would also like to remind the Commission that no reason for keeping the Morse code requirement has been offered in this instance that was not previously rejected by the Commission. Experience since the Commission's finding in 98-143 has shown that, in practice, there is even less support for those arguments now than there was then.

Finally, I would like to say that removing Morse code as a testing requirement should not be construed as justification for removing Morse code as an acceptable mode in the amateur service, nor for any changes in spectrum allocation or band plan. While Morse code no longer makes sense as a test criteria, it is a viable and vibrant part of the service.

/s/

Martin Fouts
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Dated: 31 August 2003